

AMENDATORY SECTION (Amending WSR 07-23-129, filed 11/21/07, effective 1/1/08)

WAC 192-200-020 Commissioner approval of training--RCW 50.20.043. (1) How do I apply for commissioner approved training?

If you wish to attend school or training while you receive unemployment benefits, and the training will interfere with your availability for full-time work, the training must be approved by the department. Contact the department and ask for an application for commissioner approved training. Your completed application must be returned to the unemployment insurance claims (~~telecenter~~) center. We will send you a decision, in writing, denying or approving your training application.

(2) What factors will the department consider when reviewing my application? The department will consider the following factors:

- (a) Your plan for completion of the training;
- (b) The nature of the training facility and the quality of the training;
- (c) Whether the training relates to an occupation or skill for which there are, or are expected to be, reasonable employment opportunities in the labor markets in which you intend to seek work;
- (d) Whether an oversupply of qualified workers exists;
- (e) Whether you have the qualifications and aptitudes to successfully complete such training; and
- (f) Whether your employment prospects in occupations in which you have training or experience do not exist or have substantially diminished in the labor market to the extent that the department determines you will probably be unemployed for a lengthy period. These diminished prospects could be the result of business or economic conditions in the area, or due to personal reasons such as your health, physical fitness, criminal background, or other circumstances of a similar nature.

(3) What about training that is required by my job? The commissioner will approve training that is required within an occupation if:

- (a) The training is a condition of your continued employment;
- (b) The scheduling of the training is determined by your employer or a work related entity, and not by you (the claimant); and
- (c) The training meets the requirements of subsections (2)(a), (b), (c), (d), and (e) of this section.

(4) Can academic training be approved? An academic training course may be approved if the conditions of subsections (1) and (2) of this section are met, and the training meets specific requirements for certification, licensing, or specific skills

necessary for the occupation.

(5) **Can these requirements be waived?** In the case of individuals with physical or sensory handicaps, or in other unusual individual circumstances, a written decision of the commissioner may waive any of the requirements of this section on an individual basis.

(6) ~~((This section does not apply to training in a))~~ **Do these requirements apply to the self-employment assistance program?** For purposes of the self-employment assistance program under RCW 50.20.250:

(a) This section does not apply to individuals who are profiled as likely to exhaust benefits as described in WAC 192-200-040; and

(b) Subsection (2)(c) of this section does not apply to individuals otherwise eligible for commissioner approved training under RCW 50.20.043 and this section.

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WAC 192-200-040 Who is eligible to participate in the self-employment assistance program? (1) Eligibility. To be eligible for the self-employment assistance program, you must:

(a) Be otherwise eligible for regular unemployment benefits ~~((7))~~ and:

~~((b))~~ (i) Have been identified by the department as likely to exhaust regular unemployment benefits using the profiling model established under RCW 50.20.011 and WAC 192-180-060; or

(ii) Eligible for commissioner approved training as provided in WAC 192-200-020; and

~~((c))~~ (b) Enroll and satisfactorily participate in a self-employment assistance program approved by the commissioner.

(2) **Likely to exhaust.** The department will use the following process to identify claimants who are likely to exhaust for purposes of the self-employment assistance program:

(a) Assign profile scores to individuals with a claim ending during the most recent federal fiscal year (October 1 through September 30) using the model described in WAC 192-180-060.

(b) Find the number of these claimants who actually exhausted regular unemployment benefits and determine their percentage of the entire profiled population ~~((7))~~ .

(c) The result will determine the percentile of profiled scores that will be identified as likely to exhaust. For example, assume during the most recent federal fiscal year, fifteen percent of profiled claimants actually exhaust benefits. This means the eighty-fifth percentile of profile scores will be used to identify claimants who are likely to exhaust.

(d) Determine the lowest score assigned to claimants within

this group.

(e) Claimants with that score or higher who file new claims during the following calendar year will be notified by the department they are potentially eligible for the self-employment assistance program.

(3) **Satisfactory participation.** The department will consider you to be satisfactorily participating if you are making satisfactory progress as defined in WAC 192-200-030 (1)(c).

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WAC 192-200-050 What criteria will the department use to approve my self-employment assistance training plan? (1) The department will consider the following factors when reviewing your application for the self-employment assistance program:

~~((1))~~ (a) That you have an adequate ~~((financial))~~ plan for completing training if your unemployment benefits run out before you complete training; and

~~((2))~~ (b) That you have the qualifications and aptitudes to successfully complete the training~~((; and~~

~~((3))~~ That you have certified you will not compete with your former employer for up to one year after completing your training program)).

~~((4))~~ (2) If you modify your training plan, the changes must be approved in advance by your training provider and the department.

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WAC 192-200-055 What other factors affect my eligibility for benefits under the self-employment assistance program? (1) Any ~~((remuneration))~~ net income you receive while enrolled in a self-employment assistance training program will be deducted from your weekly benefit amount as required under RCW 50.20.130. Net income based on self-employment must be reported as provided in WAC 192-190-105.

(2) If you complete your training program before your unemployment benefits run out, you are no longer eligible for benefits unless you meet the availability for work and job search requirements of RCW 50.20.010 (1)(c).

NEW SECTION

WAC 192-190-105 How do I report self-employment income? (1)

Report self-employment when earned, not when paid.

(2) Report self-employment income as a net figure, after your reasonable business expenses are deducted from your gross income.

(3) If you are not sure what these amounts are, consult your accountant, tax advisor or other financial professional.

(4) You may be required to provide records of your income and expenses.

(5) If you fail to provide records of your income and expenses when requested, the department will presume you earned too much in your self-employment to qualify for benefits for the period for which records were requested.